IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Revision No. 1345 of 2006
Date of Decision: May 08, 2007.

Kuldip Kumar

....**Petitioner**

through
Mr. L.S.Goraya, Advocate

Versus

State of Punjab

...**Respondent**
through
Mr. Rajesh Bhardwaj, Sr. DAG, Punjab.

CORAM:

HON'BLE MR. JUSTICE SURYA KANT.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

SURYA KANT,J.(ORAL)

This revision petition is directed against the order dated 3.1.2006 passed by learned Special Judge, Jalandhar, whereby the petitioner has been charge-sheeted under Sections 323, 324 IPC and Section 3(1)(x) of The Schedule Castes & The Schedule Tribes Prevention of Atrocities Act, 1989 (for short 'the Act').

The revision petition, however, is confined qua the charge framed against the petitioner under Section 3 (1)(x) of the Act. The aforesaid charges have been framed against the petitioner in a case arising out of FIR No.157 dated 19.10.2002, under Sections 323, 324 IPC and Section 3(1)(x) of the Act, registered at Police Station Adampur, District Jalandhar.

The only contention raised on behalf of the petitioner is

that since he himself belongs to Scheduled Caste community, no charge under Section 3(1)(x) of the Act can be framed against him in view of explicit language of Section 3 (1) of the Act. Section 3(1) of the Act, which provides that “whoever, not being a member of a Scheduled Caste or a Scheduled Tribe” commits any of the acts/omissions mentioned in Sections (i) to (xv), shall be punished with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

Learned State counsel on the other hand, submits that the plea taken by the petitioner that he himself belongs to Scheduled Caste category is a disputed fact and needs to be gone into.

After hearing learned counsel for the parties, this revision petition is disposed of with a direction to the police authorities of Police Station Adampur to re-investigate and verify the plea taken by the petitioner that he belongs to Scheduled Caste category and if this fact is found to be correct, to move an appropriate application before the learned Special Judge to drop charges against the petitioner to the extent that he has been accused of committing an offence under Section 3(1)(x) of the Act.

The needful shall be done within two weeks from today. A copy of this order be also handed over to Shri Rajesh Bhardwaj, learned Sr. DAG, Punjab for information and necessary compliance.

May 08, 2007. **(SURYA KANT)**
sanjeev **JUDGE**